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Plaintiff's request is granted. Plaintiff's deadline to file its motion for a default judgment is March 26, 2021. Further, Plaintiff is directed to file a status letter with the Court by March 22, 2021, describing whether Plaintiff still plans to move for default judgment and whether the parties request a referral to the Court-annexed mediation program or to the Honorable Kevin N. Fox for a settlement conference.

By ECF and Email

Honorable John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, New York 10007  
[CronanNYSDChambers@nysd.uscourts.gov](mailto:CronanNYSDChambers@nysd.uscourts.gov)

SO ORDERED

Date: March 16, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan".

JOHN P. CRONAN  
United States District Judge

Re: Northeast Banana Corp. v. Produce Depot USA LLC, et al.  
Case No.: 21-civ-969 (JPC)


Dear Judge Cronan:

This firm is counsel to plaintiff Northeast Banana Corp. in this action. Yesterday, I was contacted by Timothy J. Fierst, Esq. of The Fierst Law Group, P.C., who advised that his firm now represents the defendants. In light of counsel having contacted me, as well as the parties, by counsel, having engaged in settlement discussions over the past 24 hours, plaintiff, by counsel, requests a one-week extension of time to file a motion for default judgment which, pursuant to Your Honor's Order dated March 12, 2021 [*Docket No. 31*], is presently due this Friday, March 19, 2021.

In accordance with Rule 3.B. of Your Honor's Individual Rules And Practices In Civil Cases: (1) the original deadline for plaintiff to file the motion is March 19, 2021; (2) this request is made because defendants now appear to be represented by counsel, counsel has contacted me, and there are pending settlement discussions; (3) & (4) this is a first request for an extension of time; and (5) Mr. Fierst, copied, has confirmed that he has no objection to this request. The March 12, 2021 Order also provides that defendants' opposition to the motion is due by April 6, 2021, plaintiff's reply is due by April 13, 2021, and a hearing is scheduled for April 28, 2021. If the requested extension is granted, unless otherwise instructed by the Court, I will e-file a status report letter by no later than Monday, March 22, 2021.

Please advise of any questions, and the Court's consideration is graciously appreciated.

Respectfully submitted,

  
Jonathan Bodner  
For the Firm

cc: Timothy J. Fierst, Esq., defendants' counsel  
Northeast Banana Corp.